

Message Text

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FM SECSTATE WASHDC

TO USDEL SECRETARY IMMEDIATE

C O N F I D E N T I A L STATE 018113 TOSEC 010229

TO THE SECRETARY FROM SISCO

E.O. 11652: GDS

TAGS:PFOR, UNSC, WA

SUBJECT: ACTION MEMORANDUM: UN SC DEBATE ON NAMIBIA: DE-
TERMINATION OF US POSITION (S/S 7601481)

REFS: (A) TOSEC 10132, (B) USUN 153, (C) TOSEC 10050

1. AS REPORTED TO YOU IN REFTEL A, TANZANIA SC PRESIDENT IS HOPING TO CONCLUDE MIDDLE EAST DEBATE JANUARY 23 OR 24 AND INITIATE DEBATE ON NAMIBIA JANUARY 26. PRELIMINARY CONTACTS ON A NAMIBIA RESOLUTION ARE ALREADY UNDERWAY IN NEW YORK (REFTEL B) AND ARE POINTING UP KINDS OF PROBLEMS AND DECISIONS WE CAN EXPECT TO FACE. AS YOU ARE AWARE (REFTEL C), WE CAN EXPECT THAT THERE WILL BE LIBERAL INFUSION OF REFERENCES TO SOUTH AFRICAN ACTIVITY IN ANGOLA IN NAMIBIA DEBATE BASED ON ASSERTIONS THAT IT IS SOUTH AFRICA'S CONTINUED ILLEGAL OCCUPATION OF NAMIBIA AND NOW ITS MILITARY UTILIZATION OF NAMIBIA WHICH ENABLES IT TO PLAY A ROLE IN ANGOLA.

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2. AFTER CAREFUL REVIEW HERE, IT IS PERFECTLY CLEAR TO US THAT WE SHOULD NOT CONSIDER ANY MANDATORY SANCTIONS (MANDATORY ARMS EMBARGO, ECONOMIC SANCTIONS) UNDER CHAPTER 7 AND THAT BRITISH AND FRENCH CAN BE EXPECTED TO STAND WITH

US IN RESISTING SUCH PROPOSALS. THIS DOES NOT MEAN, HOWEVER, THAT WE SHOULD OBJECT TO REAFFIRMATION OF THE COUNCIL'S 1963 CALL FOR A VOLUNTARY ARMS EMBARGO WHICH WAS REAFFIRMED IN 1971.

3. THE KEY QUESTIONS ARE HOW THE COUNCIL ADDRESSES AND DESCRIBES SOUTH AFRICA'S PRESENCE IN NAMIBIA AT PRESENT JUNCTURE. IN ANTICIPATION THAT THE AFRICAN SC MEMBERS WILL PROPOSE IT, WE HAVE CAREFULLY STUDIED THE PROS AND CONS OF A DETERMINATION UNDER ARTICLE 39 OF THE CHARTER THAT SOUTH AFRICA'S CONTINUED PRESENCE IN AND MILITARY UTILIZATION OF NAMIBIA CONSTITUTES A THREAT TO INTERNATIONAL PEACE AND SECURITY. THE LEGAL ADVISOR BELIEVES, CONSISTENTLY WITH L'S POSITION IN PREVIOUS YEARS, THAT, IF BUT ONLY IF THIS DETERMINATION CAN BE HELD WHOLLY WITHIN A NAMIBIAN CONTEXT AND NOT LINKED TO SOUTH AFRICA'S ACTIONS IN ANGOLA, AND IF ANY REFERENCE TO MILITARY UTILIZATION OF NAMIBIA IS OMITTED, WE WOULD BE JUSTIFIED IN SUPPORTING SUCH A DETERMINATION. PROVIDED WE HAD BRITISH AND FRENCH SUPPORT, L BELIEVES WE WOULD BE WELL ADVISED TO USE THIS POSITION TO BARGAIN FOR AN ACCEPTABLE RESOLUTION WHICH OMITTS REFERENCE TO MANDATORY SANCTIONS AS WELL AS ANGOLA. AF AND IO BELIEVE THAT MAKING SUCH A DETERMINATION, EVEN THOUGH JUSTIFIED ON THE FACTS, AT THE END OF A DEBATE IN WHICH THEY BELIEVE ANGOLA WILL INEVITABLY BE INJECTED, WOULD APPEAR TO LABEL SOUTH AFRICA AS THE SOLE CAUSE FOR ANY THREAT TO PEACE NOW PRESENT IN ANGOLA. THIS WOULD BE A POLITICAL RESULT WHICH EVEN THE OAU COULD NOT AGREE TO ADVOCATE AT ADDIS. FURTHERMORE, AN ARTICLE 39 DETERMINATION WOULD DEPRIVE US OF A LEGAL ARGUMENT FOR RESISTANCE TO SANCTIONS, EVEN THOUGH WE WOULD, AS L POINTS OUT, RETAIN OUR ABILITY TO VETO SANCTIONS EVEN IF AN ARTICLE 39 DETERMINATION WERE MADE. LATER THIS YEAR AFRICAN RADICALS COULD CITE IT IN CALLING FOR MANDATORY SANCTIONS AND, FAILING TO GET THEM, TO UTILIZE, AS THEY ADVOCATED EARLIER THIS MONTH AT DAKAR MEETING ON NAMIBIA, THE UNITING FOR PEACE PROCEDURE

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TO OBTAIN GENERAL ASSEMBLY ACTION AGAINST SOUTH AFRICA. AT THE VERY LEAST, WE WILL BE ASKED TO SUPPORT AGAIN LANGUAGE SIMILAR TO THAT CONTAINED IN SC RESOLUTION 301 OF 20 OCTOBER 1971 WHICH DECLARED THAT ANY FURTHER REFUSAL OF THE SA GOVERNMENT TO WITHDRAW FROM NAMIBIA COULD CREATE CONDITIONS DETRIMENTAL TO THE MAINTENANCE OF PEACE AND SECURITY OF THE REGION.

4. A SECOND KEY QUESTION IS WHETHER WE SUPPORT AT THIS TIME SOME TYPE OF CONDEMNATION OF SOUTH AFRICA FOR ITS USE OF NAMIBIA FOR MILITARY PURPOSES, PARTICULARLY IF IT IS JUXTAPOSED WITH LANGUAGE CITED ABOVE. A RELATIVELY "MODERATE"(IN NAMIBIAN TERMS) DRAFT RESOLUTION NOW BEING

DISCUSSED IN NEW YORK FOCUSSES ON THE FOLLOWING TWO
OPERATIVE PARAGRAPHS:

CONDEMN THE SOUTH AFRICAN MILITARY BUILD UP IN
NAMIBIA AND ITS UTILIZATION OF THE TERRITORY AS A BASE
FOR ATTACKS ON NEIGHBORING COUNTRIES AND CONSIDERS THAT
THE USE OF NAMIBIA FOR EXTRA TERRITORIAL INCURSIONS INTO
NEIGHBORING COUNTRIES IS A FLAGRANT VIOLATION OF
INTERNATIONAL LAW AND CONSTITUTES A SERIOUS THREAT TO
PEACE AND SECURITY OF THE AFRICAN CONTINENT.

DECLARES THAT THE CONTINUED ILLEGAL OCCUPATION OF
NAMIBIA BY SOUTH AFRICA IF ALLOWED TO CONTINUE WOULD POSE
A THREAT TO INTERNATIONAL PEACE AND SECURITY.

5. THE ISSUE OF CONDEMNATION IS A DIFFICULT ONE FOR US.
A CONDEMNATION WHICH DOES NOT SPECIFICALLY MENTION ANGOLA
WOULD CONSTITUTE A REPETITION OF A POSITION WE SUPPORTED
IN THE COUNCIL AT THE TIME OF THE ADOPTION OF SC
RESOLUTION 301 WHICH SAID "THAT SOUTH AFRICA'S CONTINUED
ILLEGAL PRESENCE IN NAMIBIA CONSTITUTES AN INTERNATIONALLY
WRONGFUL ACT AND A BREACH OF INTERNATIONAL OBLIGATIONS
AND THAT....ANY FURTHER REFUSAL OF THE SOUTH AFRICAN
GOVERNMENT TO WITHDRAW FROM NAMIBIA COULD CREATE CONDI-
TIONS DETRIMENTAL TO THE MAINTENANCE OF PEACE AND SECURITY
IN THE REGION." TO REFUSE TO ACCEPT SUCH A CONDEMNATION
WOULD, THEREFORE, APPEAR TO BE CONDONING SOUTH AFRICA'S
MILITARY BASES IN NAMIBIA DESPITE THE FACT WE HAVE
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CONDEMNED ITS VERY PRESENCE IN THAT TERRITORY AS ILLEGAL.
ON THE OTHER HAND, TO CONDEMN IT, PARTICULARLY IN A
PARAGRAPH JUXTAPOSED AS IN THE ABOVE CASE, WOULD, IN THE
WAKE OF AN ANGOLAN ORIENTED DEBATE, APPEAR TO HAVE THE
SAME TYPE OF POLITICAL IMPACT AS THAT WHICH THE OAU AVOIDED
AT ADDIS.

6. IF SOUTH AFRICA SHOULD DECIDE TO WITHDRAW FROM THE
FIGHTING IN ANGOLA DURING THE NEXT FIVE OR SIX DAYS, WE
ASSUME THIS WILL TEND TO DEEMPHASIZE DEBATE ON SA INTER-
VENTION IN ANGOLA AND COULD FOCUS ON OTHER INTERVENORS.
IN THAT CASE, WE COULD CONCEIVABLY SUPPORT SUCH A CONDEMNATION
EXPLAINING IT SIMPLY AS A LOGICAL CONSEQUENCE OF OUR
OPPOSITION TO SOUTH AFRICA'S ILLEGAL PRESENCE IN NAMIBIA.
HOWEVER, IF THE SOUTH AFRICANS WITHDRAW MORE SLOWLY AND
MAINTAIN MEANINGFUL SUPPORT TO UNITA PERMITTING IT TO
RESIST EFFECTIVELY AN MPLA ADVANCE TO THE SOUTH, IT WOULD
BE DIFFICULT TO AVOID THE IMPRESSION THAT WE ARE
SUPPORTING A ONE-SIDED CONDEMNATION OF THIS SOUTH AFRICAN
ACTIVITY. A RESOLUTION CONTAINING LANGUAGE LIKE THAT OF
PARAGRAPH 3 ABOVE WOULD, IN THE VIEW OF AF AND L, GIVE
THIS IMPRESSION IN ANY EVENT. FOR THIS REASON, AF, IO

AND L BELIEVE THAT WE SHOULD AVOID SUPPORT, AT THIS

MOMENT, OF LANGUAGE SUCH AS THAT IN OPERATIVE PARAGRAPH 3 ABOVE, AND ATTEMPT WITH BRITISH AND FRENCH SUPPORT TO REFLECT CONCERN OVER CONTINUED SOUTH AFRICAN PRESENCE IN NAMIBIA IN A MANNER WHICH SUGGESTS NO LINKAGE WITH SOUTH AFRICAN ACTIVITIES IN ANGOLA.

7. IN CONSEQUENCE, WE WOULD RECOMMEND THAT YOU AUTHORIZE US TO WORK IN THE DIRECTION ADVOCATED BY AF, IO AND L, SEEKING BRITISH AND FRENCH SUPPORT FOR CONFINING CONDEMNATION TO SOUTH AFRICAN CONTINUED PRESENCE IN NAMIBIA, BUT TO RESERVE FINAL JUDGMENT UNTIL YOUR RETURN AS TO WHETHER WE WOULD STATE CLEARLY THAT WE WOULD OPPOSE AND VETO A CONDEMNATION OF SOUTH AFRICAN MILITARY PRESENCE IN NAMIBIA WHICH WAS NOT EXPLICITLY LINKED TO ITS ACTIVITY IN ANGOLA.

8. RECOMMENDATION:
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(1) THAT YOU AUTHORIZE US TO INSTRUCT USUN TO REAFFIRM TO THE UK AND FRANCE THAT WE WOULD VETO AN ARTICLE 39 DETERMINATION THAT SOUTH AFRICAN PRESENCE IN NAMIBIA OR ITS UTILIZATION OF NAMIBIA IS A THREAT TO INTERNATIONAL PEACE AND SECURITY. (IO AND AF FAVOR AND L OPPOSES.)

APPROVE DISAPPROVE

(2) ALTERNATIVELY, THAT YOU AUTHORIZE US TO EXPLORE WITH UK AND FRANCE WHETHER THEY FAVOR INDICATING TO THE AFRICANS THAT WE ARE PREPARED TO SUPPORT AN ARTICLE 39 DETERMINATION, PROVIDED THAT THE RESOLUTION SO STATING HAS NO REFERENCE WHATEVER TO ANGOLA, OR TO IMPOSITION OF MANDATORY SANCTIONS, OR TO THE UTILIZATION OF NAMIBIA FOR MILITARY PURPOSES. (L FAVORS; IO AND AF OPPOSE.)

APPROVE DISAPPROVE

(3) THAT YOU AUTHORIZE US TO INSTRUCT USUN TO SEEK UK AND FRENCH SUPPORT FOR FIRM RESISTANCE TO OPERATIVE LANGUAGE CONDEMNING SOUTH AFRICAN UTILIZATION OF NAMIBIA FOR MILITARY PURPOSES ON THE ASSUMPTION THAT THIS CONDEMNATION WOULD ALLOW A DEBATE WHICH FOCUSED SUBSTANTIALLY ON SOUTH AFRICAN ACTIVITY IN ANGOLA. (IO, AF AND L FAVOR.)

APPROVE DISAPPROVE

(4) THAT YOU INDICATE TO US, BASED ON YOUR CONVERSATIONS IN MOSCOW, YOUR PREFERENCE AS BETWEEN THE ALTERNATE TACTICS FOR HANDLING AN EXTENSION OF THE DEBATE ON ANGOLA AS

DESCRIBED IN REFTEL C:

(A) PROCEDURAL RESISTANCE OF EXTENSION OF DEBATE TO
ANGOLA ISSUE.

APPROVE DISAPPROVE

(B) VIGOROUS ENTRY INTO DEBATE OVER ANGOLA BY U.S.

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APPROVE DISAPPROVE

(C) THREATEN VIGOROUS ENTRY IN EFFORT TO AVERT
DEBATE.

APPROVE DISAPPROVE

9. CLEARED BY:
IO:SWLEWIS; L:SMSCHWEBEL; AF:WSCHAUFLELE; S/S:FORTIZ.

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